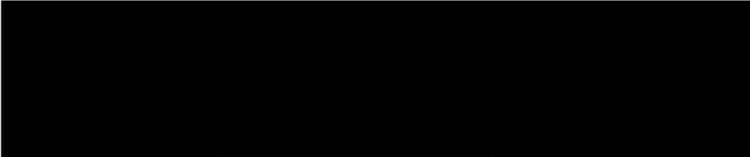


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U.S. Citizenship  
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Services

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FILE: [REDACTED] OFFICE: California Service Center DATE: MAR 19 2008  
[WAC 01 27657718]

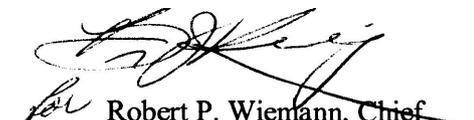
INRE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

  
for Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn and the re-registration application was denied by the Director, California Service Center. The case is now before the Administrative Appeals Office (AAO) on appeal. The **appeal** will be dismissed.

The applicant claims to be a citizen of EI Salvador who was granted Temporary Protected Status (TPS) on April 6, 2004, under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director subsequently withdrew the applicant's Temporary Protected Status and denied the re-registration application on October 9, 2007, when it was determined that the applicant had failed to submit the final court documentation for criminal offenses committed in the United States.

On appeal, the applicant states that he was involved in an incident with the law and believes that he was innocent. He further states that he is **appealing** his conviction and asking CIS to grant him an additional six months to complete his court case.

The regulation at 8 C.F.R. § 244.14 states:

- (a) Authority of the director. The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act at any time upon the occurrence of any of the following:
  - (1) The alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status;
  - (2) The alien has not remained continuously physically present in the United States from the date the alien was first granted Temporary Protected Status under this part. For the purpose of this provision, an alien granted Temporary Protected Status under this part shall be deemed not to have failed to maintain continuous physical presence in the United States if the alien departs the United States after first obtaining permission from the district director to travel pursuant to § 244.15;
  - (3) The alien fails without good cause to register with the Attorney General annually within thirty (30) days before the end of each 12-month period after the granting of Temporary Protected Status.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an alien who is a national of a foreign state designated by the Attorney General is eligible for temporary protected status only if such alien establishes that he or she:

- (a) Is a national, as defined in section 101(a)(21) of the Act, of a foreign state designated under section 244(b) of the Act;
- (b) Has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;
- (c) Has continuously resided in the United States since such date as the Attorney General may designate;

- (d) Is admissible as an immigrant except as provided under section 244.3;
- (e) Is not ineligible under 8 C.F.R. § 244.4; and
- (f)
  - (1) Registers for TPS during the initial registration period announced by public notice in the *Federal Register*, or
  - (2) During any subsequent extension of such designation if at the time of the initial registration period:
    - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
    - (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
    - (iii) The applicant is a parolee or has a pending request for reparole; or
    - (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.

Pursuant to section 244(c)(2)(B)(i) of the Act and the related regulations in 8 C.F.R. § 244.4(a), an alien shall not be eligible for temporary protected status if the Attorney General, now, the Secretary of the Department of Homeland Security (the Secretary), finds that the alien has been convicted of any felony or two or more misdemeanors committed in the United States.

8 C.F.R. § 244.1 defines "felony" and "misdemeanor:"

*Felony* means a crime committed in the United States punishable by imprisonment for a term of more than one year, regardless of the term such alien actually served, if any, except when the offense is defined by the State as a misdemeanor, and the sentence actually imposed is one year or less regardless of the term such alien actually served. Under this exception for purposes of section 244 of the Act, the crime shall be treated as a misdemeanor.

*Misdemeanor* means a crime committed in the United States, either:

- (1) Punishable by imprisonment for a term of one year or less, regardless of the term such alien actually served, if any, or
- (2) A crime treated as a misdemeanor under the term "felony" of this section.

For purposes of this definition, any crime punishable by imprisonment for a maximum term of five days or less shall not be considered a felony or misdemeanor.

The applicant's Federal Bureau of Investigation (FBI) Fingerprint Results Report reflects that on March 13, 2006, the applicant was arrested by the Vernon Police Department, Agency Case [REDACTED] and charged with:

- 1) CHARGE 1 - 001 COUNTS OF GRAND THEFT
- 2) CHARGE 2 - 001 COUNTS OF REC KNWN STOLN PROP \$400+

The report indicates the applicant was convicted and sentenced to serve one day in jail and placed on probation for a period of 36 months. However, the final disposition of this charge is not contained in the record of proceeding, although the applicant was requested on March 5, 2003, to submit the final court dispositions of all arrests.

The applicant had failed to provide any evidence revealing the final court disposition of his arrest detailed above. The applicant is ineligible for temporary protected status because of his failure to provide information necessary for the adjudication of his application. 8. C.F.R. § 244.9(a). Consequently, the director's decision to withdraw the application for this reason will be affirmed.

The burden of proof is upon the applicant to establish that he meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.